

NOTICE OF OBJECTION TO CONFIRMATION

CITIMORTGAGE, INC. has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054

Albert Russo, Trustee
CN4853
Trenton, NJ 08650

2. Attend the hearing scheduled to be held on 02/28/2018 in the TRENTON Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: February 19, 2018

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

File No. 805042

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road
Mt. Laurel, NJ 08054
856-813-5500
FAX Number 856-813-5501
CITIMORTGAGE, INC.

In Re:
Terry L. Small A/k/a
Terry Lamar Small
Brenda Small

Debtors

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE

Chapter 13

Case No. 18-10171 - KCF
Hearing Date: 02/28/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, CITIMORTGAGE, INC., the holder of a Mortgage on debtors residence located at 486 BRAMHALL AVENUE, JERSEY CITY, NJ 07304-2700 hereby objects to the Confirmation of the debtors proposed Chapter 13 Plan on the following grounds:

1. Secured Creditor is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$215,670.67.
2. Debtor's Plan does not provide for payment of arrears to Secured Creditor. Debtor's Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
3. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5). MSecured Creditor objects to Debtor's Plan as it is underfunded. Debtor's Plan should be amended to fully fund the arrears owed to Secured Creditor. Absent a modification by the Debtor, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, CITIMORTGAGE, INC. respectfully requests that the Confirmation of Debtors Plan be denied.

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

Dated: February 19, 2018

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

805042
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
856-813-5500
Attorneys for CITIMORTGAGE, INC.

In Re:

TERRY L SMALL
BRENDA SMALL

Case No: 18-10171 - KCF

Hearing Date: _____

Judge: KATHRYN C.
FERGUSON

Chapter: 13

CERTIFICATION OF SERVICE

1. I, MIGUEL ZAVALA:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents CITIMORTGAGE, INC. in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On February 20, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: February 20, 2018

/s/ MIGUEL ZAVALA
MIGUEL ZAVALA

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Terry L. Small 10 Margaret Drive Dayton, NJ 08810	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Brenda Small 10 Margaret Drive Dayton, NJ 08810	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Nicholas Fitzgerald, Esquire 649 Newark Ave Jersey City, NJ 07306	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo, Trustee CN 4853 Trenton, NJ 08650	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.